

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*,

Plaintiffs,

and

UNITED STATES of AMERICA,

Plaintiff-Intervenor,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 5:11-cv-360  
(OLG-JES-XR)  
Three-Judge Court  
[Lead Case]

**UNITED STATES' MOTION FOR LEAVE TO FILE  
RESPONSIVE BRIEF CONCERNING SECTION 3(C) RELIEF**

Pursuant to Local Rule CV-7(b), the United States respectfully moves for leave to file a responsive brief concerning the question of relief under Section 3(c) of the Voting Rights Act, 52 U.S.C. § 10302(c). For the reasons that will be set out in that responsive brief, the United States no longer believes that Section 3(c) relief is warranted in this case.

This Court previously recognized that “[n]umerous Plaintiffs . . . are continuing to seek relief under Section 3(c) of the Voting Right Act.” Order at 3 (ECF No. 1600). The Court ordered that such Plaintiffs’ briefs on the issue of Section 3(c) relief “should be due no later than November 30, 2018,” that Defendants’ “responsive briefing shall be due January 15, 2019,” and that Plaintiffs’ reply briefs “shall be due within fourteen days of the filing of the response.” *Id.* The United States did not file on November 30, because it is no longer seeking relief under Section 3(c). On January 11, 2019, the Court granted Defendants’ motion for extension of time,

and the responsive briefing is now due January 29, 2019. The United States remains a party to the case, but its position on Section 3(c) relief has diverged from the positions taken by private Plaintiffs. Accordingly, private Plaintiffs should have an opportunity to respond to the United States. To provide private Plaintiffs with the same time to address the arguments of Defendants and those of the United States, the United States respectfully requests leave to submit a responsive brief on January 29, the date Defendants' responsive brief is now due.

The United States has participated at numerous stages of this case, in this Court and in two appeals to the Supreme Court. Even before it intervened as a party in this case in 2013, the United States filed amicus briefs in this Court pursuant to its statutory authority under 28 U.S.C. § 517 to file a brief in any case implicating "the interests of the United States." *See, e.g.*, Statements of Interest (ECF Nos. 591, 592, 827). The interests of the United States are squarely implicated by the private Plaintiffs' requests for Section 3(c) relief here, because any order granting such relief would impose obligations on the Attorney General of the United States to conduct a preclearance review for any voting changes that are covered by a Section 3(c) order of this Court and submitted for review by the jurisdiction to the Attorney General. 52 U.S.C. § 10302(c).

Counsel for the United States has consulted with counsel for the other parties to this case regarding this motion for leave. Counsel for Defendants State of Texas *et al.*, do not oppose the motion. Counsel for Plaintiff/Plaintiff-Intervenors Rodriguez, Quesada, Texas Latino Redistricting Task Force, MALC, NAACP, Perez and Congressman Cuellar advise that they oppose the motion. The remaining Plaintiffs/Plaintiff-Intervenors have not responded.

Date: January 14, 2019

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Respectfully submitted,

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/s/ Timothy F. Mellett

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2019, I served a true and correct copy of the foregoing via the Court's ECF system on all counsel of record.

/s/ Daniel J. Freeman

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